

RIIHINEN et al
Appl. No. 09/732,877
June 1, 2004

REMARKS/ARGUMENTS

Favorable reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants:

1. Editorially amend the specification, including inserting cross-reference to a related application.
2. Thank the Examiner for the indication of allowable subject matter¹.
3. Editorially amend claims 10, 16, and 18 for correcting punctuation at the end of the respective claims.
4. Amend the drawings.
5. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1, 4, 5, 9 and 15-17 stand rejected under 35 USC §103(a) as being unpatentable over the applicant's admitted prior art in view of EP 0898438 to Rinne (see enumerated paragraph 3 of the Office Action). Claims 8, 14 and 22 stand rejected under 35 USC §103(a) as being unpatentable over the applicant's admitted prior art in view of EP 0898438 to Rinne and further in view of U.S. Patent 6,370,127 to Daraiseh et al (see enumerated paragraph 4 of the Office Action). All prior art rejections are respectfully traversed for at least the following reasons.

Each of Applicants' independent claims (1, 9, and 15) involve performing a handover to alleviate congestion on an overloaded inter-control node link, and include a determination of a cost for each of the connections carried by the overloaded link. The

¹ claims 2, 3, 6, 7, 10-13, and 18-21 were indicated as being dependent upon a rejected base claim, but were indicated as being allowable if written in independent for

RIIHINEN et al
Appl. No. 09/732,877
June 1, 2004

office action alleges that EP 0898438 to Rinne disclose the "selection including a determination of a cost for each of the connections carried by the overloaded link", and particularly cites col. 14, lines 40 - 54 of the applied reference.

Applicants fail to find in EP 0898438 to Rinne any teaching that (1) handover is prompted by an overload concern for an Iur link, or (2) that plural connections compete as candidates for a handover selection, or (3) that any type of cost analysis is performed for plural handover candidate connections. Therefore, EP 0898438 to Rinne appears of no avail for the purported combination; there is no basis for the combination; and the prior art rejection thus is flawed and erroneous.

Should the Examiner persist in the next office action with the existing or comparable prior art rejection, it is respectfully request that the Examiner specifically articulate where in EP 0898438 to Rinne the missing features (1), (2), (3) [as stated in the preceding paragraph of these remarks] are alleged to reside. Should the Examiner concur that these three features are indeed missing from EP 0898438 to Rinne, the Examiner should have ample bases for withdrawing the current rejections and allowing the captioned application.

C. MISCELLANEOUS

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

including all limitations of the base claim and any intervening claim (see enumerated paragraph 5 of the Office Action)

RIIHINEN et al
Appl. No. 09/732,877
June 1, 2004

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsh
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100